

*REMARKS/ARGUMENTS*Overview

Claims 1-34, 36-43 and 45-52 are presently pending in this application. Claims 1-31, 34 and 36-38 are allowed. Claims 32, 33, 40, 41 and 43 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Design Patent No. D396,882 to Neal, Jr. (hereinafter “Neal”) in view of U.S. Patent No. 5,499,293 to Behram et al. (hereinafter “Behram”). Claim 50 was rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 3,318,311 to Gressette et al. (hereinafter “Gressette”). Claims 39 and 46-49 have been withdrawn from consideration.

Claims 43 and 45 have been canceled.

New claims 53 and 54 have been added.

Claims 1-34, 36-38, 40-42 and 46-54 remain for consideration in this application.

The Examiner has indicated that claims 42, 45, 51 and 52 would be allowable if written in independent form including all of the limitations of the base claim and any intervening claims. Applicants are appreciative of the Examiner’s comments.

Rejection of Claims 32, 33, 40 and 41

Claims 32 and 40 stand rejected under 35 U.S.C. § 103(a) as being obvious over Neal in view of Behram. In light of the Examiner’s comments, claims 32 and 40 have been amended to include a limitation wherein the arcuate portion of the first card end is in contact with the magnetic stripe. Notably, the added limitation is supported throughout the Applicants’ specification and drawings (*see, e.g.*, Claim 29, paragraph [0048] and Figure 1). Neither Neal nor Behram disclose or suggest such a limitation. The design of Neal shows a magnetic stripe in contact only with non-arcuate portions card ends. Likewise, Behram does not disclose a card with a magnetic stripe in contact with an arcuate portion of a first card end. Applicants therefore respectfully request the allowance of claims 32 and 40.

Claims 33 and 41 are dependent upon claims 32 and 40, respectively, and thus incorporate all of their limitations. As such, claims 32 and 40 similarly contain the limitation

above that is not disclosed or suggested in the cited reference. Applicants therefore respectfully request the allowance of claims 33 and 41.

Rejection of Claim 50

Claim 50 stands rejected under 35 U.S.C. § 103(a) as being obvious over Gressette. In light of the Examiner's comments, claim 50 has been amended to include a limitation wherein the upper and lower cover portions of the case are connected by a pivot pin, the aperture of the card engages the pivot pin, and the card engages the pivot pin equally in the open and closed positions. Gressette does not disclose or suggest such a limitation. In Gressette, the card becomes less engaged when pivoted 90 degrees: "The card is rotated 90 degrees to confine the credit card on the post. When it is desired to remove a particular card, the card is turned back and simply slipped off the post A." (Gressette at col. 2, lns. 57-60). In other words, it is a purpose of Gressette that the card *not* be equally engaged when in open and closed positions, in order that a card can be easily and completely detached. By contrast, Applicants have described a card and case such that "In the open position a majority of the surface area of the card is exposed so that the card can be dragged through a card reader *without having to completely detach or remove the card from the case.*" (Specification at [0014], emphasis added). Because claim 50 as amended contains a limitation that is not disclosed or suggested by the cited art, Applicants therefore respectfully request the allowance of claim 50.

Objection to Claims 42, 51 and 52

Claims 42, 51 and 52 were objected to as being dependent on rejected base claims 40 and 50. Because these base claims have been amended and Applicants believe they are now in allowable form, any proper dependent claims based upon them should also be allowable. Applicants therefore respectfully request the allowance of claims 42, 51 and 52.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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